

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHNY GEORGE SALMO,

Plaintiff,

-vs-

No. 06-12909

Hon. Marianne O. Battani

UNITED STATES OF AMERICA,

Defendant.

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**UNITED STATES' RESPONSE AND BRIEF IN SUPPORT  
REGARDING DISPUTE DUE RETURN OF FUNDS, ETC.**

Now comes the United States of America, by and through its undersigned counsel, and for its Response and Brief in Support Regarding "Dispute Due Return of Funds," Etc. (Docket No. 12) filed by Johny Salmo (Salmo) on September 27, 2011, states as follow:

1. Salmo also filed a similar pleading on September 27, 2011 in the related case of *United States v. Funds in the Amount of \$1,779.07, et al.*, Case No. 06-12666, to which the government is contemporaneously responding.

2. An order dismissing this case "in its entirety" was entered on October 17, 2006 (Docket No. 12).

3. Although pro se claimants are allowed more leeway with respect to, inter alia, the filing of pleadings, this pleading is essentially incomprehensible, failing to state what relief is sought.

4. The only plausible relief would entail the setting aside of both the Opinion and Order Denying Plaintiff's Motion for Return of Property (Docket No. 10) filed on October 17, 2006, and the October 17, 2006, Order of Dismissal (Docket No. 12).

5. Johnny Salmo, the filer of the “Dispute Due Return of Funds,” Etc., does not, however, request such relief, claiming only that he did not agree to “extinguish[] funds to the United States government”—presumably, he meant forfeit—and believes he has the benefit of a three year statute of limitations to contest the denial of his motion for return of property, which was the sole subject matter involved in this case as captioned.

WHEREFORE, the government prays the September 27, 2011, Dispute Due Return of Funds, Etc., however treated, be denied.

Respectfully submitted,

BARBARA L. McQUADE  
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Dated: September 30, 2011

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JOHNY GEORGE SALMO,

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**BRIEF IN SUPPORT OF UNITED STATES' RESPONSE  
REGARDING DISPUTE DUE RETURN OF FUNDS, ETC.**

For its Brief in Support, the government relies on Fed. R. Civ. P. 8(a), which requires “a short and plain statement of the claim showing that the pleader is entitled to relief.” While it may be presumed using a liberal standard for pleadings that might be afforded a pro se claimant like Johnny Salmo (Salmo), that he wants the money and property that was forfeited in related Civ.No. 06-12666, he does not provide any reasons other than his disagreement with the result, for reversing the order denying his motion for return of property in this case, or for setting aside the contemporaneous order of dismissal.

Moreover, a motion for relief from a judgment or order must ordinarily be brought within a year from entry under Fed. R. Civ. P. 60. Without requesting that the orders be set aside and without stating the basis for relief from the orders, other than that he “said no” to forfeiture at the time, Salmo would now have the orders belatedly set aside.

Salmo's request, however its form is defined, must be denied.

Respectfully submitted,

BARBARA L. McQUADE  
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Dated: September 30, 2011

**CERTIFICATION OF SERVICE**

I hereby certify that on September 30, 2011, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

n/a

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I further certify that I have mailed by U.S. mail the paper to the following non-ECF participants:

Johny George Salmo, 2886 Livernois, Rochester Hills, MI 48307

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